

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FELIX ALMANZAR a/k/a ANGEL DIAZ,

Plaintiff,

- against -

DR. ROLANDO NEWLAND, LAURIE A.
KORENBAUM, JAMES N. CROSS,

Defendants.

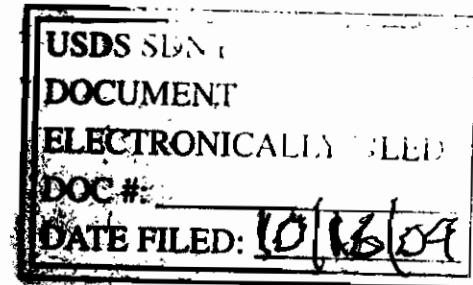
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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

The Court writes to address plaintiff Felix Almanzar's letter to the Court dated October 2, 2009. Plaintiff's letter raises three broad issues. We address them in turn.

First, plaintiff reiterates his "Motion for Speedy Trial." That motion is denied at this time. The Court intends first to decide the pending motion to dismiss, which might result in a decision that no trial is necessary.

Second, plaintiff asks the Court to order the Department of Homeland Security ("DHS") to allow him to remain in the United States until this civil proceeding has concluded. We interpret this as a request for the Court to reconsider its decision denying plaintiff's September 10, 2009 Motion for Injunctive Relief and to issue an order barring DHS from deporting



MEMORANDUM AND ORDER

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plaintiff upon his release from prison. For the reasons explained at length in our Memorandum and Order dated September 25, 2009, we find no reason to reconsider our decision denying plaintiff's motion.

To the extent that plaintiff now seeks injunctive relief requiring prison officials to provide him with medical treatment before he is deported to his native Dominican Republic, that request should be directed to a court of appropriate jurisdiction in the judicial district that contains the Moshannon Valley Correctional Facility, where plaintiff was transferred in early 2009. The case before this Court is limited to plaintiff's treatment when he was housed at the MCC, which is located in the Southern District of New York.¹ This Court does not have jurisdiction over the officials responsible for plaintiff's current care.

Dated: New York, New York
October 15, 2009



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

¹ Indeed, because plaintiff no longer resides in the MCC, his action before this Court is effectively an action for monetary damages only. As we explained in our Memorandum and Order dated September 25, 2009, such an action can be pursued from overseas if and when plaintiff is deported.

A copy of the foregoing Order has been mailed on this date to the following:

Plaintiff

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